

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,
Plaintiff,

v.

UNITED STATES OF AMERICA, *et al*,
Defendants.

Case No. C06-5696RBL-KLS
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff is currently being detained at the federal Northwest Detention Center, located in Tacoma, Washington. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On November 30, 2006, the Clerk received plaintiff's complaint. (Dkt. #1). On December 5, 2006, the Clerk sent plaintiff a letter informing him that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by January 4, 2007, or this matter could be subject to dismissal. (Dkt. #2). On December 12, 2006, plaintiff submitted an application to proceed *in forma pauperis*. (Dkt.

1 #4). That application, however, remains deficient.

2 Specifically, the "Account Activity Ledger" plaintiff submitted, showing his account balances at the
3 Northwest Detention Center, is for an individual named Wayne Rudder, which is different from the name
4 plaintiff uses for himself in the caption of his complaint. Thus, while plaintiff indicates in his complaint that
5 Wayne Rudder is an alias, he has provided no evidence that he and Wayne Rudder are actually the same
6 person. As such, the Court has no way of ensuring whether plaintiff is entitled to *in forma pauperis* status.

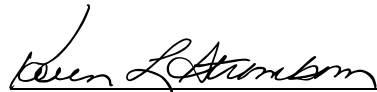
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8 Accordingly, the Court orders the following:

- 9 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than January 21, 2007**,
10 either an account statement from the Northwest Detention Center for him in the person of
11 Antolin Andrew Marks, or written proof or other documentation that he is the same person
12 as Wayne Rudder.

13 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
14 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 15 (2) The Clerk is directed to send a copy of this Order to plaintiff.

16 DATED this 21st day of December, 2006.

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20 Karen L. Strombom
21 United States Magistrate Judge
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